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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,354	04/11/2006	Maurizio Crozzoli	05788.0396	9360

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EXAMINER	
HSIEH, PING Y	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/575,354	CROZZOLI ET AL.	
	Examiner	Art Unit	
	PING Y. HSIEH	2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 33-69.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Lana N. Le/
Primary Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because:
In pages 2 and 3 of the remarks, regarding claim 64, applicant argues that one of ordinary skill in the art at the time of filing of application would understand "computer product," as the term is used in the specification.
-The examiner respectfully submits that based on the written description in the specification, the examiner cannot determine whether the computer readable medium is a memory or a computer product which can be loaded into the memory. Since if the computer readable medium is the computer product which can be loaded into the memory may also raise 101 issues.

In pages 4-7 of the remarks, regarding claims 33-36, 38-46 and 64-69, applicant argues that Judd fails to disclose at least a module for weighting digital signals that is integral to the antenna; Buscaglia does not disclose "a module for weighting digital signals that is integral to the antenna"; Ylitalo only discloses a module for weighting digital signals; and Rhodes only disclose "a single optical link". Therefore, applicant concludes the Office Action has failed to articulate any rationale in purported support of why the differences between the subject matter recited in claim 33 and the alleged prior art would have been obvious to a person having ordinary skill in the art at the time of invention.
-The examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Judd discloses an antenna (as disclosed in Fig. 4 and further disclosed in paragraph 44), said antenna including a plurality of radiating elements (M columns of antenna structure as disclosed in Fig. 4), wherein each of said radiating elements is associated with at least a respective signal processing chain located in an antenna unit (N array elements as disclosed in Fig. 3 and 4 and further disclosed in paragraph 44); and Buscaglia discloses the antenna, radiating element and processing chain are integrated in same housing as disclosed in fig. 1, fig. 4 and paragraphs 81 and 111. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Judd et al. to include the features as disclosed by Buscaglia in order to limit the costs and the complexity of the apparatus (see Buscaglia, paragraph 13). Further, Ylitalo discloses at least one module for weighting digital signals the at least one module configured to apply at least a weighting coefficient to a digital signal (weighting means 306 as disclosed in Fig. 3 and further disclosed in col. 4 lines 4-7). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the weighting means 306, CNTL 320 and RX 322 as disclosed by Ylitalo to be incorporated with the antenna as disclosed by Judd et al. at the digital IF signal 103 as disclosed in Fig. 4 in order to provide a more efficient frequency reuse by directing the antenna beams in the digital phasing of a complex vector form (see Ylitalo, col. 1 lines 34-39).

In pages 7-9, regarding claims 37 and 47-63, applicant presents same argument as outlined above with respect to independent claim 33.
-The examiner respectfully disagrees with the same reason as stated above with respect to independent claim 33.

Therefore, based on the logical response to the arguments provided above, the examiner respectfully renders claims 33-69 unpatentable over the cited art. Applicant presents additional arguments which do not render the claims allowable after the prosecution on the merit is closed.